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7   IN THE UNITED STATES DISTRICT COURT

8   FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10   ORACLE CORPORATION, et al.,   No. C-07-01658 PJH (EDL)

11   Plaintiffs,   **ORDER FOLLOWING DISCOVERY
                                                    CONFERENCE**
12   v.

13   SAP AG, et al.,

14   Defendants.
                                                  /
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16   On November 17, 2009, this Court held a discovery conference in this matter. As stated at

17   the hearing, the Court makes the following order:

18   1.   Defendants recently propounded over 700 Requests for Admissions. The number of

19   Requests is burdensome given the time remaining before the December 4, 2009 discovery

20   cutoff date, especially given the amount of discovery already scheduled. Therefore,

21   Defendants may re-serve a total of 500 Requests of their choice.

22   2.   Defendants recently served twenty-one individual deposition notices and four Rule 30(b)(6)

23   deposition notices. The number of depositions is burdensome given the limited time

24   remaining for discovery. Therefore, Defendants shall have twenty-five hours total for

25   individual and Rule 30(b)(6) depositions to be divided among individual and Rule 30(b)(6)

26   deponents as Defendants choose. On a rolling basis, and by no later than November 19,

27   2009, Defendants shall provide to Plaintiffs the names of the deponents and the number of

28   hours for which each witness will be deposed. In preparation for these depositions, Plaintiffs

          shall provide more detailed information as to the relevant substance of the witnesses'

United States District Court
For the Northern District of California

1   knowledge (e.g., that Plaintiffs' experts are relying on), and Defendants shall provide

2   information to Plaintiffs regarding the limited scope of the intended questions.

3   3.   Plaintiffs shall provide forthwith an index of documents in the possession of Folger & Levin

4   that are responsive to Defendants' request for discovery regarding the 2003 action in

5   Alameda County Superior Court.

6   4.   Defendants' request for documents from custodian Dorian Daley, one of Plaintiffs' litigation

7   counsel, is denied.

8   5.   Defendants argue that Plaintiffs have improperly designated the total amount of damages in

9   this case as highly confidential and ask that it be designated confidential instead. The Court

10   notes that allowing access to the amount of damages, but not necessarily the supporting

11   calculations, by all decision-makers is appropriate at this stage of the litigation, especially

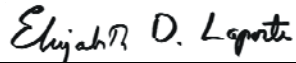12   prior to the next settlement conference.

13   6.   The declarations provided by Defendants regarding the search for certain supervisory board

14   documents are not adequate. Specifically, Mr. Plattner's declaration fails to state that he

15   searched his own documents or that he searched for meeting minutes. Mr. Junge's

16   declaration fails to state whether he asked all other Supervisory Board members for

17   responsive documents. Also, he fails to give the "the locations where any presentations to

18   the SAP AG Supervisory Board would be kept." See Discovery Conference Statement Ex. L

19   at ¶ 3. Further, the Court is troubled by Mr. Junge's hearsay statement regarding what Mr.

20   Plattner stated during a telephone call. See id. ¶ 4. Therefore, Defendants shall provide

21   more detailed declarations. No later than November 24, 2009, Defendants shall inform

22   Plaintiffs as to when the declarations will be produced. Defendants shall endeavor to

23   produce the declarations no later than November 30, 2009.

24   7.   No later than December 11, 2009, the parties may each file one motion to compel. As the

25   parties proposed, the motions shall contain no more than three issues each and shall be

26   limited to thirty pages each. The parties identified two of the three issues for each of their

27   motions at the discovery conference, and the parties shall identify the third issue to opposing

28   counsel no later than December 4, 2009. Oppositions shall be limited to thirty pages, and

1   replies shall be limited to fifteen pages. The motions shall be heard on January 26, 2010 at

2   2:00 p.m.

3 **IT IS SO ORDERED.**

4 Dated: November 18, 2009

5   *Elizabeth D. Laporte*
     _____
     ELIZABETH D. LAPORTE
     United States Magistrate Judge

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United States District Court
For the Northern District of California